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SEPTEMBER 11, 2006
**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Mark O'Connell, M.D.
License No.: MA 65676

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

CONSENT ORDER
OF
VOLUNTARY SURRENDER

This matter was opened to the New Jersey State Board of Medical Examiners (Board) upon receipt of a report from the Professional Assistance Program (PAP) that Mark O'Connell had relapsed into his abuse of Hycotuss as evidenced by Dr. O'Connell's acknowledgment of his relapse on or about June 21, 2006.

Dr. O'Connell first came to the attention of the Board in 1997 upon receipt of information contained in Respondent's application for medical licensure in this State which indicated a history of polysubstance abuse, commencing in 1989, which resulted in his 1995 suspension of his Pennsylvania hospital privileges and resignation from his group practice. By Consent Order dated June 13, 1997, Dr. O'Connell was granted a limited license to practice medicine in the State of New Jersey. In November

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1998 some of the restrictions were lifted, and, in June 2001, an Order of Unrestricted Licensure was issued.

Upon receipt of information that Dr. O'Connell admitted to diverting Fenanyl and was suffering from a relapse into substance abuse, the Board accepted Dr. O'Connell's voluntary surrender of licensure in May 2002. In September 2002, an Order of Limited Licensure allowed Dr. O'Connell to once again return to the practice of medicine with certain restrictions. In May of 2002 and March of 2003, Dr. O'Connell petitioned for and received a modification of these restrictions. Finally, via an Order filed on May 17, 2004, Dr. O'Connell was granted unrestricted licensure. Concurrently with the Order of Unrestricted Licensure, Dr. O'Connell entered into a Private Letter Agreement whereby he agreed to continue to abstain from alcohol and controlled dangerous substances, among other things. He further agreed that his license would be automatically suspended upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that he had failed to comply with any of the conditions set forth in the Private Letter Agreement.

On or about August 21, 2006, the PAP alerted the Board of Medical Examiners that Dr. O'Connell had relapsed into the abuse of Hycotuss as evidenced by his own acknowledgment of his relapse. Dr. O'Connell obtained this medication by writing prescriptions. Dr. O'Connell ceased practicing medicine on August 18, 2006 after being confronted by the PAP and his employer.

Dr. O'Connell seeks leave to voluntarily surrender his license to practice medicine and surgery in the State of New Jersey without prejudice and in accordance with the terms of this Order. The Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown,

IT IS, therefore on this 6th day of September, 2006

ORDERED THAT

1. Mark O'Connell, M.D. is hereby granted leave and shall immediately surrender his license to practice Medicine and Surgery in the State of New Jersey for a minimum period of 6 months from the date of this Order.

2. Dr. O'Connell shall immediately return his original New Jersey license and current biennial registration to the New Jersey State Board of Medical Examiners, 140 E. Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183 upon his receipt of a filed copy of this Order.

3. Dr. O'Connell shall return his original CDS registration to the New Jersey State Board of Medical Examiners, 140 E. Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183 upon his receipt of a filed copy of this Order.

4. Dr. O'Connell shall immediately advise the DEA of this Order.

5. Dr. O'Connell will comply fully with the monitoring program established for him by the PAP. Such monitoring program shall include but not be limited to:

- a. Absolute abstinence from drugs and alcohol with the exception of medication prescribed by a treating physician for a documented medical condition with notification to the medical director of the PAP.
- b. Successful completion of an approved treatment program under the supervision of the PAP, including but not limited to enrollment in an inpatient treatment facility if deemed necessary by the PAP.
- c. Attendance at 90 meetings of Alcoholics Anonymous in 90 days, and thereafter at a frequency to be determined by the Medical Director of the PAP, but not less than three

meetings per week. Dr. O'Connell shall provide evidence of attendance at such groups directly to the PAP on a form or in a manner as required by the Program.

- d. Random urine monitoring under the supervision of the PAP on a random, unannounced basis, at a frequency to be determined by the PAP, but no less than 2 times per week. All test results shall be provided in the first instance directly to the PAP and any positive result shall be reported immediately by the PAP to the Executive Director of the Board. Any failure by Dr. O'Connell to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be an act of non-compliance with the terms of this order absent an excuse satisfactory to the PAP.
- e. Dr. O'Connell shall submit to continued monitoring by the PAP and shall meet with the PAP on a face-to-face basis at least once a month. Dr. O'Connell agrees that the PAP shall advise the Board immediately in the event it receives information or evidence of noncompliant behavior and/or further relapse.
- f. Participation in aftercare as prescribed by the Executive Director of the PAP.
- 6. Should Dr. O'Connell seek licensure in a State other than New Jersey, Dr. O'Connell

authorizes the PAP to inform the licensing Board of that State of the current status of his recovery and his compliance with this Order.

- 7. Prior to any restoration of his license, Dr. O'Connell shall:
 - a. Appear before the Board or a committee thereof to discuss his readiness to reenter the practice of medicine. At that time Dr. O'Connell shall be prepared to propose his plans for future practice in New Jersey.
 - b. Provide the Board with evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that he is not then suffering from any impairment or limitation resulting from the use of alcohol or any other addictive substance which could affect his

practice.

- c. Provide the Board with discharge summaries from any in-patient programs and reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in Dr. O'Connell's care and/or treatment for the disability in this matter during the period of time from the date the within Order is filed to his appearance before the Board.
- d. Provide the Board with a report from the PAP detailing the nature and extent of his involvement with that entity.
- e. Affirmatively establish his fitness, competence and capacity to re-enter the active practice of medicine and surgery within New Jersey.
- f. Provide the Board with a full account of his conduct during the intervening period of time from the entry of this Order to his appearance pursuant to this Order.

8. Dr. O'Connell shall comply with the "Directives Applicable to any Medical Board Licensee who is Suspended, Revoked or Whose Surrender of Licensure has been Accepted," attached hereto and made a part hereof.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: Sindy Paul, MD, MPH
Sindy Paul, M.D., M.P.H.
Board President

I have read the within Order
and agree to its terms.

Mark O'Connell, M.D.
Mark O'Connell, M.D.

Louis E. Baxter, Sr., M.D., FASAM
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Medical Director
Professional Assistance Program - NJ

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